



General Assembly

Substitute Bill No. 6594

January Session, 2003

AN ACT CONCERNING MUNICIPAL ETHICS, MUNICIPAL WHISTLEBLOWER PROTECTIONS AND THE INVESTIGATION OF MUNICIPAL CORRUPTION, PROHIBITING PERSONS CONVICTED OF CERTAIN CRIMES FROM BEING CANDIDATES FOR OR HOLDING PUBLIC OFFICE AND EXPANDING THE PROHIBITION ON THE USE OF PUBLIC RESOURCES FOR CAMPAIGN PURPOSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) Notwithstanding any
2 provision of the general statutes or any special act, municipal charter
3 or municipal ordinance, the provisions of sections 2 to 12, inclusive, of
4 this act shall apply to each town, city, borough and district, as defined
5 in section 7-324 of the general statutes, except that (1) the
6 establishment of an ethics agency by a town, city, borough or district
7 pursuant to section 7-148h of the general statutes, as amended by this
8 act, before the effective date of this section, shall supercede the
9 provisions of section 3 of this act requiring the establishment of a
10 municipal ethics commission and the provisions of subsection (c) of
11 section 5 of this act concerning voting by commission members, and
12 (2) the provisions of any code of ethical conduct adopted by a town,
13 city, borough or district before or after the effective date of this section
14 under subdivision (10) of subsection (b) of section 7-148 of the general
15 statutes or section 7-148h of the general statutes, as amended, shall
16 supercede the provisions of sections 2 to 12, inclusive, of this act only
17 to the extent such municipal code provides greater ethical protections
18 than the provisions of sections 2 to 12, inclusive, of this act.

19 Sec. 2. (NEW) (*Effective October 1, 2003*) As used in sections 2 to 12,
20 inclusive, of this act:

21 (1) "Business" means any entity through which business for profit or
22 not-for-profit is conducted, including a corporation, partnership,
23 proprietorship, firm, enterprise, franchise, association, organization or
24 self-employed individual.

25 (2) "Business with which he is associated" means a business of
26 which a public official or public employee or a member of his
27 immediate family is a director, officer, owner, employee, compensated
28 agent or holder of stock which constitutes five per cent or more of the
29 total outstanding stock of any class.

30 (3) "Code" means sections 2 to 12, inclusive, of this act.

31 (4) "Confidential information" means information, whether
32 transmitted orally or in writing, which is obtained by reason of the
33 public position or office held and is of such nature that it is not, at the
34 time of transmission, a matter of public record or public knowledge.

35 (5) "Commission" means a municipal ethics commission established
36 in section 3 of this act.

37 (6) "Financial interest" means any interest with a monetary value of
38 one hundred dollars or more or which generates a financial gain or
39 loss of one hundred dollars or more in a calendar year.

40 (7) "Gift" means anything of value, including entertainment, food,
41 beverage, travel and lodging given or paid to a public official or public
42 employee to the extent that consideration of equal or greater value is
43 not received. A gift does not include:

44 (A) A political contribution otherwise reported as required by law
45 or a donation or payment as described in subdivision (9) or (11) of
46 subsection (b) of section 9-333b of the general statutes;

47 (B) Services provided by persons volunteering their time;

48 (C) A commercially reasonable loan made on terms not more
49 favorable than loans made in the ordinary course of business;

50 (D) A gift received from (i) an individual's spouse, fiancé or fiancée,
51 (ii) the parent, brother or sister of such spouse or such individual, or
52 (iii) the child of such individual or the spouse of such child;

53 (E) Goods or services which are provided to the municipality or
54 special district and facilitate governmental action or functions;

55 (F) A certificate, plaque or other ceremonial award costing less than
56 one hundred dollars;

57 (G) A rebate or discount on the price of anything of value given in
58 the ordinary course of business without regard to the recipient's status;

59 (H) Printed or recorded informational material germane to
60 governmental action or functions;

61 (I) Items of nominal value, not to exceed ten dollars, containing or
62 displaying promotional material;

63 (J) An honorary degree bestowed upon a public official or public
64 employee by a public or private university or college;

65 (K) A meal provided at an event or the registration or entrance fee
66 to attend such an event, in which the public employee or public official
67 participates in said person's official capacity;

68 (L) A meal provided in the home by an individual who resides in
69 the municipality or special district; or

70 (M) Gifts in-kind of nominal value not to exceed twenty-five dollars
71 tendered on gift-giving occasions generally recognized by the public
72 including Christmas, Hanukkah, birthdays, the birth or adoption of a
73 child, weddings, confirmations or bar or bat mitzvahs, provided the
74 total value of such gifts in any calendar year do not exceed fifty
75 dollars.

76 (8) "Immediate family" means any spouse, child or dependent
77 relative who resides in the individual's household.

78 (9) "Individual" means a natural person.

79 (10) "Municipality" means a town, city or borough.

80 (11) "Official responsibility" means the direct administrative or
81 operating authority, whether intermediate or final and whether
82 exercisable personally or through subordinates, to approve,
83 disapprove or otherwise direct government action.

84 (12) "Person" means an individual, sole proprietorship, trust,
85 corporation, union, association, firm, partnership, committee, club or
86 other organization or group of persons.

87 (13) "Personal interest" means an interest in any action taken by the
88 municipality or special district in which an individual will derive a
89 nonfinancial benefit or detriment but which will result in the
90 expenditure of municipal funds.

91 (14) "Public employee" means a person employed, whether full or
92 part time, by a municipality or a special district.

93 (15) "Public official" means an elected or appointed official, whether
94 paid or unpaid or full or part time, of a municipality or political
95 subdivision thereof, or a special district, including candidates for the
96 office and shall also include a district officer elected pursuant to
97 section 7-327 of the general statutes.

98 (16) "Special district" means a district established pursuant to
99 section 7-324 of the general statutes.

100 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) Each municipality and
101 special district shall establish a municipal ethics commission consisting
102 of five members. The members shall be appointed by a vote of two-
103 thirds of the members of the legislative body of the municipality or
104 special district who are present and voting. The members of a

105 municipal ethics commission shall serve a term of three years, except
106 that, of the initially appointed members, one shall serve for one year,
107 two for two years, and two for three years. No individual shall be
108 appointed to more than one three-year term, provided a member may
109 continue in office until a successor has been appointed. No more than
110 three shall be members of the same political party. Two or more
111 municipalities or special districts may jointly establish a municipal
112 ethics commission required under this section.

113 (b) All members of a municipal ethics commission shall be electors
114 of the municipality or special district establishing the commission. No
115 member of a municipal ethics commission shall: (1) Hold or campaign
116 for any public office; (2) have held public office or have been a
117 candidate for public office for a two-year period prior to appointment;
118 (3) hold office in any political party or political committee; (4) serve as
119 a member of any other agency of such municipality or district; or (5) be
120 a public official or public employee of the municipality or special
121 district that established such municipal ethics commission or an
122 official or employee of a quasi-public agency of such municipality or
123 special district.

124 (c) (1) Although any member or employee of a commission shall
125 have an unrestricted right to vote, make political contributions or
126 attend fundraising or other political events, no member or employee
127 shall publicly support any candidate for any municipal or special
128 district office subject to the commission's jurisdiction, including, but
129 not limited to, volunteering as a campaign worker, giving a speech at
130 a political event or formally endorsing a candidate. (2) No candidate
131 for municipal or special district office may disseminate information
132 that indicates that a commission member or employee supports the
133 candidate's candidacy.

134 (d) The members of a commission shall elect a chairperson who
135 shall preside at meetings of the commission and a vice-chairperson to
136 preside in the absence of the chairperson. Three members shall
137 constitute a quorum. A majority vote of the commission shall be

138 required for action of the commission. The chairperson or any three
139 members may call a meeting of the commission.

140 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) The municipal ethics
141 commission shall: (1) Compile and maintain a record of all reports,
142 advisory opinions, statements and memoranda filed by and with the
143 commission to facilitate public access to such reports and statements;
144 (2) issue advisory opinions with regard to the requirements of this
145 code upon the request of any person. Advisory opinions rendered by
146 the commission, until amended or revoked, shall be binding on the
147 commission and shall be deemed to be final decisions of the
148 commission. Any advisory opinion concerning the person who
149 requested the opinion and who acted in reliance thereon, in good faith,
150 shall be an absolute defense in any matter brought under the
151 provisions of this code; and (3) report annually on or before February
152 first to the legislative body of the municipality or special district,
153 summarizing the activities of the commission.

154 (b) The commission may adopt, after a public hearing, rules and
155 regulations not inconsistent with the code for the administration and
156 implementation of the code.

157 (c) The commission may employ necessary staff or outside counsel
158 within available appropriations.

159 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) (1) Upon the complaint of
160 any person on a form prescribed by the municipal ethics commission,
161 signed under penalty of false statement, or upon its own complaint,
162 the commission shall investigate any alleged violation of the code.

163 (2) Not later than ten days after the receipt or issuance of such
164 complaint, the commission shall provide notice of such receipt or
165 issuance and a copy of the complaint by registered or certified mail to
166 any respondent against whom such complaint is filed and shall
167 provide notice of the receipt of such complaint to the complainant.

168 (3) If the complaint has been filed by a member of the public, the

169 commission shall review the complaint to determine whether or not
170 the allegations contained therein constitute a violation of any provision
171 of the code. If the commission determines that the complaint does not
172 allege sufficient acts to constitute a violation, the commission shall
173 dismiss the complaint and duly notify the complainant and respondent
174 by registered or certified mail.

175 (4) If the commission determines that the complaint alleges
176 sufficient acts to constitute a violation, then within thirty days after so
177 determining, the commission shall fix a date for the commencement of
178 the hearing on the allegation contained in the complaint. The hearing
179 date regarding any complaint shall be not more than sixty days after
180 the filing of the complaint.

181 (b) (1) In the conduct of its investigation of an alleged violation of
182 the code, the commission shall have the power to hold hearings,
183 administer oaths, examine witnesses, receive oral and documentary
184 evidence, subpoena witnesses and require the production for
185 examination by the commission of any books and papers which the
186 commission deems relevant in any matter under investigation or in
187 question. In the exercise of such powers, the commission may use the
188 services of the municipal police, who shall provide the same upon the
189 commission's request.

190 (2) The respondent shall have the right to appear and to be
191 represented by legal counsel and to examine and cross-examine
192 witnesses at any such hearing. Any hearing conducted by the
193 commission shall be governed by the administrative rules of evidence.

194 (c) The commission shall make no finding that there is a violation of
195 any provision of the code except upon the concurring vote of at least
196 four of its members.

197 (d) No complaint may be made under the code except within five
198 years after the violation alleged in the complaint has been committed.

199 (e) After receipt of information from an individual, the commission

200 shall not disclose the identity of such individual without the
201 individual's consent unless the commission determines that such
202 disclosure is unavoidable during the course of an investigation.

203 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) Each complaint under
204 section 5 of this act and the record of the commission's investigation
205 shall remain confidential, except upon the request of the respondent,
206 unless the commission determines that there is probable cause that a
207 violation was committed. No complainant, respondent, witness,
208 designated party or commission or staff member shall disclose to any
209 third party any information learned from an investigation of a
210 complaint, including knowledge of the existence of a complaint, which
211 the disclosing party would not otherwise have known.

212 (b) The commission shall inform the complainant and the
213 respondent of its finding with regard to the complaint and provide
214 them a summary of its reasons for making such a finding by registered
215 or certified mail not later than three business days after termination of
216 the hearing. The commission shall make public a finding of a violation
217 not later than five business days after the termination of the hearing.
218 At such time, the entire record of the investigation shall become public.

219 (c) Any respondent aggrieved by a decision of the commission
220 regarding a finding of a violation may, within thirty days, take an
221 appeal to the superior court for the judicial district in which the
222 municipality or special district is located.

223 Sec. 7. (NEW) (*Effective October 1, 2003*) Violation of any provision of
224 sections 8 to 12, inclusive, of this act shall constitute grounds for, and
225 may be punished by (1) public censure and reprimand, (2) in the case
226 of a public employee, dismissal from employment or suspension from
227 employment for not more than ninety days without pay, (3) a civil
228 penalty of not more than two thousand dollars per violation, or (4)
229 restitution of any pecuniary benefits received because of the violation
230 committed.

231 Sec. 8. (NEW) (*Effective October 1, 2003*) (a) No public employee or

232 public official shall engage in or participate in any business or
233 transaction, including outside employment with a private business, or
234 have an interest, direct or indirect, that is incompatible with the proper
235 discharge of the employee's or official's responsibilities in the public
236 interest or that would tend to impair the employee's or official's
237 independent judgment or action in the performance of the employee's
238 or official's responsibilities.

239 (b) (1) No public employee or public official shall solicit or accept
240 any gift from any person that, to the employee's or official's
241 knowledge, is interested in any pending matter within such
242 individual's official responsibility.

243 (2) If a prohibited gift is offered, the employee or official shall refuse
244 it, return it, pay the donor the full value of the gift or donate it to a
245 nonprofit organization, provided the employee or official does not take
246 the corresponding tax deduction or credit. Alternatively, the gift may
247 be deemed to be a gift to the municipality or special district, provided
248 it remains in the municipality's or special district's possession
249 permanently.

250 (c) (1) A public employee or public official shall refrain from voting
251 upon or otherwise participating in any matter on behalf of the
252 municipality or special district if he, a business with which he is
253 associated, or a member of his immediate family, has a financial or
254 personal interest in the matter, including, but not limited to, the sale of
255 real estate, material, supplies or services to the municipality or special
256 district.

257 (2) If such participation is within the scope of the public employee's
258 or public official's official responsibility, the employee or official shall
259 provide written disclosure, which sets forth in detail the nature and
260 extent of such interest, to the commission.

261 (3) Notwithstanding the prohibition in subdivision (1) of this
262 subsection, a public employee or public official may vote or otherwise
263 participate in a matter that involves a determination of general policy

264 if the employee's or official's interest in the matter is shared with a
265 substantial segment of the population of the municipality or special
266 district.

267 (d) (1) Except for a public official who receives no compensation for
268 service to the municipality or special district other than per diem
269 payments and reimbursement of expenses, no public employee or
270 public official shall appear on behalf of private interests before any
271 board, agency, or committee of the municipality or special district.

272 (2) Except for a public official who receives no compensation for
273 service to the municipality or special district other than per diem
274 payments and reimbursement of expenses, no public employee or
275 public official shall represent private interests against the interest of
276 the municipality or special district in any litigation to which the
277 municipality or special district is a party.

278 (e) Nothing in the code shall prohibit or restrict a public employee
279 or public official from appearing before any board or commission of
280 the municipality or special district on the employee's or official's own
281 behalf, or from being a party in any action, proceeding or litigation
282 brought by or against the public employee or public official to which
283 the municipality or special district is a party.

284 (f) No public employee or public official shall disclose confidential
285 information concerning municipal affairs, nor shall a public employee
286 or public official use such information for the financial interests of the
287 employee or official or others.

288 (g) No public employee or public official shall request or permit the
289 use of municipally-owned vehicles, equipment, facilities, materials or
290 property for personal convenience or profit, except when such are
291 available to the public generally or are provided as municipal policy
292 for the use of such public employee or public official in the conduct of
293 official business.

294 (h) No public employee or public official, or a business with which

295 he is associated, or a member of his immediate family shall enter into a
296 contract with the municipality or special district unless the contract is
297 awarded through a process of public notice and competitive bidding.

298 (i) No public employee or public official may use the employee's or
299 official's position or office for the financial benefit of the employee or
300 official, a business with which he is associated or a member of his
301 immediate family.

302 (j) No public employee or public official shall accept a fee or
303 honorarium for an article, appearance or speech, or for participation at
304 an event, in the employee's or official's official capacity.

305 (k) No public employee or public official, or member of such
306 individual's immediate family or business with which he is associated,
307 shall solicit or accept anything of value, including, but not limited to, a
308 gift, loan, political contribution, reward or promise of future
309 employment based on any understanding that the vote, official action
310 or judgment of the public employee or public official would be or had
311 been influenced thereby.

312 Sec. 9. (NEW) (*Effective October 1, 2003*) (1) No paid consultant of a
313 municipality or special district shall represent a private interest in any
314 action or proceeding against the interest of the municipality or special
315 district that is in conflict with the performance of said person's duties
316 as a consultant.

317 (2) No paid consultant may represent anyone other than the
318 municipality or special district concerning any matter in which the
319 consultant participated personally and substantially as a consultant to
320 the municipality or special district.

321 (3) No paid consultant shall disclose confidential information
322 learned while performing the consultant's duties for the municipality
323 or special district nor shall the consultant use such information for the
324 financial interests of the consultant or others.

325 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) No former public
326 employee or public official shall appear for compensation before any
327 municipal or special district board or agency in which the employee or
328 official was formerly employed at any time within a period of one year
329 after termination of the employee's or official's service with the
330 municipality or special district.

331 (b) No former public employee or public official shall represent
332 anyone other than the municipality or special district concerning any
333 particular matter in which the employee or official participated
334 personally and substantially while in municipal service.

335 (c) No former public employee or public official shall disclose or use
336 confidential information acquired in the course of and by reason of the
337 employee's or official's official duties, for financial gain for himself or
338 others.

339 (d) No former public employee or public official who participated
340 substantially in the negotiation or award of a municipal or special
341 district contract obliging the municipality or special district to pay an
342 amount of one hundred thousand dollars or more, or who supervised
343 the negotiation or award of such a contract shall accept employment
344 with a party to the contract other than the municipality or special
345 district for a period of one year after such contract is signed.

346 Sec. 11. (NEW) (*Effective October 1, 2003*) (a) All public officials, and
347 such public employees as the chief elected official of the municipality
348 or special district shall designate, shall file with the municipal ethics
349 commission, under penalty of false statement, a statement of financial
350 interests for any calendar year in which the official or employee serves
351 in an office or position, on or before the following May first. Any such
352 individual who leaves such office or position shall file a statement of
353 financial interests covering that portion of the year during which the
354 individual held the office or position. The municipal ethics commission
355 shall notify such individuals of the requirements of this subsection
356 within thirty days after their departure from such office or position.

357 Such individuals shall file such statement within sixty days after
358 receipt of the notification.

359 (b) The statement of financial interests shall include the following
360 information for the preceding calendar year in regard to the individual
361 required to file the statement and the individual's spouse and
362 dependent children residing in the individual's household: (1) The
363 names of all businesses with which associated; (2) the category or type
364 of all sources of income in excess of two thousand dollars, without
365 specifying amounts of income; (3) the name of securities in excess of
366 ten thousand dollars at fair market value owned by such individual,
367 spouse or dependent children or held in the name of a corporation,
368 partnership or trust for the benefit of such individual, spouse or
369 dependent children; (4) the existence of any known blind trust and the
370 names of the trustees; (5) all real property and its location, whether
371 owned by such individual, spouse or dependent children or held in the
372 name of a corporation, partnership or trust for the benefit of such
373 individual, spouse or dependent children; (6) the names and addresses
374 of creditors to whom the individual, the individual's spouse or
375 dependent children, individually, owed debts of more than ten
376 thousand dollars; and (7) any leases or contracts with the municipality
377 or special district held or entered into by the individual or a business
378 with which he or she was associated.

379 (c) The statement of financial interests filed pursuant to this section
380 shall be a public record subject to disclosure under the Freedom of
381 Information Act, as defined in section 1-200 of the general statutes.

382 (d) Any individual who is unable to provide information required
383 under the provisions of subsection (b) of this section by reason of
384 impossibility may petition the commission for a waiver of said
385 provisions.

386 Sec. 12. (NEW) (*Effective October 1, 2003*) The municipal clerk of a
387 municipality shall cause a copy of the code to be distributed to every
388 public employee and public official of the municipality or any special

389 district located within the municipality, not later than sixty days after
390 the effective date of this section. Each public employee and public
391 official who is hired after the effective date of this section shall be
392 furnished a copy of the code before entering upon the duties of the
393 employee's or official's office or employment. A signed receipt for all
394 copies shall be returned to the town clerk and retained on file.

395 Sec. 13. Section 7-148h of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective October 1, 2003*):

397 [(a)] Any town, city, district, as defined in section 7-324, or borough
398 may, by charter provision or ordinance, establish a board, commission,
399 council, committee or other agency to investigate allegations of
400 unethical conduct, corrupting influence or illegal activities levied
401 against any official, officer or employee of such town, city, district or
402 borough. [The provisions of subsections (a) to (e), inclusive, of section
403 1-82a shall apply to allegations before any such agency of such
404 conduct, influence or activities, to an investigation of such allegations
405 conducted prior to a probable cause finding, and to a finding of
406 probable cause or no probable cause. Any board, commission, council,
407 committee or other agency established pursuant to this section may
408 issue subpoenas or subpoenas duces tecum, enforceable upon
409 application to the Superior Court, to compel the attendance of persons
410 at hearings and the production of books, documents, records and
411 papers.]

412 [(b)] Notwithstanding the provisions of any special act, municipal
413 charter or ordinance to the contrary, an elected official of any town,
414 city, district or borough that has established a board, commission,
415 council, committee or other agency under subsection (a) of this section,
416 has an interest that is in substantial conflict with the proper discharge
417 of the official's duties or employment in the public interest and of the
418 official's responsibilities as prescribed by the laws of this state, if the
419 official has reason to believe or expect that the official, the official's
420 spouse or dependent child, or a business with which he is associated,
421 as defined in section 1-79, will derive a direct monetary gain or suffer a

422 direct monetary loss, as the case may be, by reason of the official's
423 official activity. Any such elected official does not have an interest that
424 is in substantial conflict with the proper discharge of the official's
425 duties in the public interest and of the official's responsibilities as
426 prescribed by the laws of this state, if any benefit or detriment accrues
427 to the official, the official's spouse or dependent child, or a business
428 with which he, his spouse or such dependent child is associated as a
429 member of a profession, occupation or group to no greater extent than
430 to any other member of such profession, occupation or group. Any
431 such elected official who has a substantial conflict may not take official
432 action on the matter.]

433 Sec. 14. (NEW) (*Effective October 1, 2003*) (a) Any person having
434 knowledge of any matter involving corruption, unethical practices,
435 violation of state laws or regulations or a special act, municipal charter
436 or municipal ordinance, mismanagement, gross waste of funds, abuse
437 of authority or danger to the public safety, with regard to or occurring
438 in a department or agency of a municipality or special district, or any
439 person having knowledge of any matter involving corruption,
440 violation of state or federal laws or regulations or a special act,
441 municipal charter or municipal ordinance, gross waste of funds, abuse
442 of authority or danger to the public safety occurring in any large
443 municipal or special district contract, may transmit all facts and
444 information in such person's possession concerning such matter to the
445 Auditors of Public Accounts. The Auditors of Public Accounts shall
446 review such matter and report their findings and any
447 recommendations to the Attorney General. Upon receiving such a
448 report, the Attorney General shall make such investigation as the
449 Attorney General deems proper. At the request of the Attorney
450 General or on their own initiative, the auditors shall assist in the
451 investigation. The Attorney General shall have power to summon
452 witnesses, require the production of any necessary books, papers or
453 other documents and administer oaths to witnesses, where necessary,
454 for the purpose of investigation. Upon the conclusion of the Attorney
455 General's investigation, the Attorney General shall where necessary,

456 report the Attorney General's findings to the Governor, or in matters
457 involving criminal activity, to the Chief State's Attorney. The Auditors
458 of Public Accounts and the Attorney General shall not, after receipt of
459 any information from a person under the provisions of this section,
460 disclose the identity of such person without the person's consent
461 unless the Auditors of Public Accounts or the Attorney General
462 determine that such disclosure is unavoidable during the course of the
463 investigation.

464 (b) (1) No municipal or special district officer or employee, no
465 officer or employee of a large municipal or special district contractor
466 and no appointing authority shall take or threaten to take any
467 personnel action against any municipal or special district employee or
468 any employee of a large municipal or special district contractor in
469 retaliation for such employee's disclosure of information to the
470 Auditors of Public Accounts or the Attorney General under the
471 provisions of subsection (a) of this section.

472 (2) If a municipal or special district employee or an employee of a
473 large municipal or special district contractor alleges that a personnel
474 action has been threatened or taken in retaliation for such employee's
475 disclosure of information to the Auditors of Public Accounts or the
476 Attorney General under the provisions of subsection (a) of this section,
477 the employee may notify the Attorney General, who shall investigate
478 pursuant to subsection (a) of this section. After the conclusion of such
479 investigation, the Attorney General, the employee or the employee's
480 attorney may file a complaint concerning such personnel action with
481 the Chief Human Rights Referee designated under section 46a-57 of
482 the general statutes. The Chief Human Rights Referee shall assign the
483 complaint to a human rights referee appointed under section 46a-57 of
484 the general statutes, who shall conduct a hearing and issue a decision
485 concerning whether the officer or employee taking or threatening to
486 take the personnel action violated any provision of this section. If the
487 human rights referee finds such a violation, the referee may award the
488 aggrieved employee reinstatement to the employee's former position,
489 back pay and reestablishment of any employee benefits to which the

490 employee would otherwise have been eligible if such violation had not
491 occurred, reasonable attorneys' fees, and any other damages. For the
492 purposes of this subsection, such human rights referee shall act as an
493 independent hearing officer. The decision of a human rights referee
494 under this subsection may be appealed by any person who was a party
495 at such hearing, in accordance with the provisions of section 4-183 of
496 the general statutes.

497 (3) The Chief Human Rights Referee shall adopt regulations, in
498 accordance with the provisions of chapter 54 of the general statutes,
499 establishing the procedure for filing complaints and noticing and
500 conducting hearings under subdivision (2) of this subsection.

501 (4) As an alternative to the provisions of subdivisions (2) and (3) of
502 this subsection: (A) A municipal or special district employee who
503 alleges that a personnel action has been threatened or taken may, if
504 covered by a collective bargaining contract, file an appeal in
505 accordance with the procedure provided by such contract, or (B) an
506 employee of a large municipal or special district contractor alleging
507 that such action has been threatened or taken may, after exhausting all
508 available administrative remedies, bring a civil action in accordance
509 with the provisions of subsection (c) of section 31-51m of the general
510 statutes.

511 (5) In any proceeding under subdivision (2), (3) or (4) of this
512 subsection concerning a personnel action taken or threatened against
513 any municipal or special district employee or any employee of a large
514 municipal or special district contractor, which personnel action occurs
515 within one year after the employee first transmits facts and
516 information concerning a matter under subsection (a) of this section to
517 the Auditors of Public Accounts or the Attorney General, there shall be
518 a rebuttable presumption that the personnel action is in retaliation for
519 the action taken by the employee under subsection (a) of this section.

520 (c) Any employee of a municipality, special district or large
521 municipal or special district contractor, who is found to have

522 knowingly and maliciously made false charges under subsection (a) of
523 this section shall be subject to disciplinary action by such employee's
524 appointing authority up to and including dismissal. In the case of a
525 municipal or special district employee covered by a collective
526 bargaining contract, such action shall be subject to appeal in
527 accordance with the procedure provided by such contract.

528 (d) On or before September first, annually, the Auditors of Public
529 Accounts shall submit to the clerk of each house of the General
530 Assembly a report indicating the number of matters for which facts
531 and information were transmitted to the auditors pursuant to this
532 section during the preceding state fiscal year and the disposition of
533 each such matter.

534 (e) Each contract between a municipality or a special district and a
535 large municipal or special district contractor shall provide that, if an
536 officer, employee or appointing authority of a large municipal or
537 special district contractor takes or threatens to take any personnel
538 action against any employee of the contractor in retaliation for such
539 employee's disclosure of information to the Auditors of Public
540 Accounts or the Attorney General under the provisions of subsection
541 (a) of this section, the contractor shall be liable for a civil penalty of not
542 more than five thousand dollars for each offense, up to a maximum of
543 twenty per cent of the value of the contract. Each violation shall be a
544 separate and distinct offense and in the case of a continuing violation
545 each calendar day's continuance of the violation shall be deemed to be
546 a separate and distinct offense. The chief executive official of the
547 municipality or special district may request the Attorney General to
548 bring a civil action in the superior court for the judicial district of
549 Hartford to seek imposition and recovery of such civil penalty.

550 (f) Each large municipal or special district contractor shall post a
551 notice of the provisions of this section relating to such contractors in a
552 conspicuous place which is readily available for viewing by the
553 employees of the contractor.

554 (g) As used in this section:

555 (1) "Large municipal or special district contract" means a contract
556 between an entity and a municipality or special district, having a value
557 of five million dollars or more, except for a contract for the
558 construction, alteration or repair of any public building or public work;
559 and

560 (2) "Large municipal or special district contractor" means an entity
561 that has entered into a large municipal or special district contract with
562 a municipality or special district.

563 (3) "Municipality" means a town, city or borough.

564 (4) "Special district" means a district established pursuant to section
565 7-324 of the general statutes.

566 Sec. 15. Section 54-47c of the general statutes is repealed and the
567 following is substituted in lieu thereof (*Effective October 1, 2003*):

568 (a) Any judge of the Superior Court, Appellate Court or Supreme
569 Court, the Chief State's Attorney or a state's attorney may make
570 application to a panel of judges for an investigation into the
571 commission of a crime or crimes whenever such applicant has
572 reasonable belief that the administration of justice requires an
573 investigation to determine whether or not there is probable cause to
574 believe that a crime or crimes have been committed.

575 (b) Each application for an investigation into the commission of a
576 crime or crimes shall be made in writing upon oath or affirmation to a
577 panel of judges. Each application shall include the following
578 information: (1) The identity of the applicant and his authority to make
579 such application; (2) a full and complete statement of the facts and
580 circumstances relied upon by the applicant to justify his reasonable
581 belief that the investigation will lead to a finding of probable cause that
582 a crime or crimes have been committed; and (3) a full and complete
583 statement of the facts concerning all previous applications known to

584 the applicant, made to any panel of judges, for investigation of any one
585 or more of the same criminal offenses involving any of the same
586 persons specified in the application, including the action taken by the
587 panel on each such application. The panel of judges may require such
588 additional testimony or documentary evidence in support of facts in
589 the application as it deems necessary. Such additional testimony shall
590 be transcribed.

591 (c) If the application is made by the Chief State's Attorney or a
592 state's attorney, it shall also include (1) a full and complete statement
593 of the status of the investigation and of the evidence collected as of the
594 date of such application, (2) if other normal investigative procedures
595 have been tried with respect to the alleged crime, a full and complete
596 statement specifying the other normal investigative procedures that
597 have been tried and the reasons such procedures have failed, (3) if
598 other normal investigative procedures have not been tried, a full and
599 complete statement of the reasons such procedures reasonably appear
600 to be unlikely to succeed if tried or be too dangerous to employ, and
601 (4) a full and complete statement of the reasons for the applicant's
602 belief that the appointment of an investigatory grand jury and the
603 investigative procedures employed by such investigatory grand jury
604 will lead to a finding of probable cause that a crime or crimes have
605 been committed. Notwithstanding the provisions of this subsection,
606 the statements under subdivisions (2) and (3) of this subsection shall
607 not be required for an application for an investigation into the
608 commission of a crime or crimes involving corruption in the
609 government of a municipality.

610 (d) The panel may approve the application and order an
611 investigation into the commission of a crime or crimes if it finds that
612 (1) the administration of justice requires an investigation to determine
613 whether or not there is probable cause to believe that a crime or crimes
614 have been committed, (2) if the application was made by the Chief
615 State's Attorney or a state's attorney, other normal investigative
616 procedures with respect to the alleged crime have been tried and have
617 failed or reasonably appear to be unlikely to succeed if tried or be too

618 dangerous to employ, and (3) the investigative procedures employed
 619 by an investigatory grand jury appear likely to succeed in determining
 620 whether or not there is probable cause to believe that a crime or crimes
 621 have been committed. Notwithstanding the provisions of this
 622 subsection, the panel may approve the application and order an
 623 investigation into the commission of a crime or crimes involving
 624 corruption in the government of a municipality without making a
 625 finding under subdivision (2) of this subsection.

626 Sec. 16. Section 54-47d of the general statutes is repealed and the
 627 following is substituted in lieu thereof (*Effective October 1, 2003*):

628 (a) If the panel approves the application and orders an investigation
 629 into the commission of a crime or crimes, the Chief Court
 630 Administrator shall (1) appoint an investigatory grand jury to conduct
 631 the investigation, and (2) designate the court location in the judicial
 632 district where any motions to quash and any contempt proceedings
 633 shall be heard and any findings and records of the investigation shall
 634 be filed.

635 (b) Each order authorizing the investigation into the commission of
 636 a crime or crimes by the panel shall specify: (1) The date of issuance of
 637 the order, (2) the period of time within which the investigation is to be
 638 conducted, provided in no event shall the investigation be longer than
 639 six months from the date the Chief Court Administrator appoints the
 640 investigatory grand jury to conduct the investigation, unless an
 641 application for an extension of time is filed and granted pursuant to
 642 subsection (c) of this section, (3) the scope of the investigation, and (4)
 643 the panel's reasons for finding that (A) the administration of justice
 644 requires an investigation to determine whether or not there is probable
 645 cause to believe that a crime or crimes have been committed, (B) if the
 646 application was made by the Chief State's Attorney or a state's
 647 attorney, other normal investigative procedures with respect to the
 648 alleged crime have been tried and have failed or reasonably appear to
 649 be unlikely to succeed if tried or be too dangerous to employ, and (C)
 650 the investigative procedures employed by the investigatory grand jury

651 appear likely to succeed in determining whether or not there is
652 probable cause to believe that a crime or crimes have been committed.
653 The panel shall retain a copy of the order and the original application
654 and shall transmit to the investigatory grand jury, appointed pursuant
655 to subsection (a) of this section, the original order and a copy of the
656 application filed with the panel. Notwithstanding the provisions of
657 this subsection, an order by the panel authorizing an investigation into
658 the commission of a crime or crimes involving corruption in the
659 government of a municipality shall not be required to include the
660 finding under subparagraph (B) of subdivision (4) of this subsection.

661 (c) The investigatory grand jury may make an application to the
662 panel of judges for an extension of time within which to conduct its
663 investigation or for an amendment to the scope of its investigation. The
664 application for extension or amendment shall set forth the reasons for
665 the necessity of such extension or amendment. No more than two
666 extensions or amendments of an order may be granted by the issuing
667 panel. The period of any extension shall be no longer than the panel
668 deems necessary to achieve the purposes for which it was granted and
669 in no event shall any extension be for a period longer than six months.

670 Sec. 17. Section 9-46 of the general statutes is repealed and the
671 following is substituted in lieu thereof (*Effective July 1, 2003*):

672 (a) A person shall forfeit such person's right to become an elector
673 and such person's privileges as an elector upon conviction of a felony
674 and committal to the custody of the Commissioner of Correction for
675 confinement in a correctional institution or facility or a community
676 residence, committal to confinement in a federal correctional
677 institution or facility, or committal to the custody of the chief
678 correctional official of any other state or a county of any other state for
679 confinement in a correctional institution or facility or a community
680 residence in such state or county.

681 (b) No person who has forfeited and not regained such person's
682 privileges as an elector, as provided in section 9-46a, may be a

683 candidate for or hold public office.

684 (c) No person who has been convicted of a public corruption crime
685 may be a candidate for public office, and no elected public official who
686 is convicted of a public corruption crime may continue to hold public
687 office. As used in this subsection, "public corruption crime" means a
688 violation of section 53a-122, 53a-123, 53a-124, 53a-138, 53a-139, 53a-147,
689 53a-148, 53a-149, 53a-150, 53a-151, 53a-151a, 53a-152, 53a-153, 53a-154,
690 53a-155, 53a-156, 53a-157a, 53a-158, 53a-161a, 53a-161c, 53a-161d, 53a-
691 165aa, 53a-166, 53a-172 or 53a-192, chapter 150, or 18 USC 666 (a)(1)(B),
692 18 USC 371, 18 USC 1341, 18 USC 1951, 18 USC 1962 (c) or (d), 18 USC
693 1963, or 26 USC 7206(1).

694 Sec. 18. Subsection (d) of section 9-333l of the general statutes is
695 repealed and the following is substituted in lieu thereof (*Effective*
696 *January 1, 2004*):

697 [(d) (1) No incumbent holding office shall, during the three months
698 preceding an election in which he is a candidate for reelection or
699 election to another office, use public funds to mail or print flyers or
700 other promotional materials intended to bring about his election or
701 reelection.]

702 (d) (1) Except as otherwise provided by law, no person shall use
703 funds, supplies, equipment, vehicles or facilities, which are owned by
704 or under the control of, the state, a political subdivision of the state or a
705 district, to promote the success or defeat of any candidate for
706 nomination or election to a public office or position or the success of
707 defeat of any political party. The use of capital facilities of the state, a
708 political subdivision of the state or a district for announcements of
709 candidacies or programs, or the conduct of meetings by a political
710 party or an organization, shall not be a violation of this subsection,
711 provided such capital facilities are available for such purposes to all
712 candidates for the same office or all political parties or organizations
713 on equal terms. The State Elections Enforcement Commission shall
714 adopt regulations, in accordance with the provisions of chapter 54, to

715 carry out the purposes of this subdivision. As used in this subdivision,
 716 (A) the term "to promote the success or defeat of any candidate" means
 717 any communication or activity that includes (i) a reference to the
 718 candidacy of any person, (ii) the accomplishments or failures of any
 719 candidate, (iii) a solicitation of any contributions, funds or other
 720 resources by or on behalf of any candidate or political party, or (iv) an
 721 exhortation, express or implied, to vote for or against any candidate or
 722 political party, except that such term shall not include any official state
 723 or municipal publication that is disseminated on a regular basis and is
 724 not prepared in connection with an election, and (B) "district" has the
 725 same meaning as district, as defined in section 7-324.

726 (2) No official or employee of the state or a political subdivision of
 727 the state shall authorize the use of public funds for a television, radio,
 728 newspaper or magazine promotional campaign or advertisement,
 729 which (A) features the name, face or voice of a candidate for public
 730 office, or (B) promotes the nomination or election of a candidate for
 731 public office, during the five-month period preceding the election
 732 being held for the office which the candidate described in this
 733 subdivision is seeking.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>

Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>
Sec. 18	<i>January 1, 2004</i>

GAE *Joint Favorable Subst.*